IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UN4 PRODUCTIONS, INC. Plaintiff v. JOHN DOES 1-9, Defendants	Docket. No. ____________________ **COMPLAINT** **COPYRIGHT** **JURY TRIAL DEMANDED**

COMPLAINT

UN4 PRODUCTIONS, INC. (hereinafter "UN4"), by and through counsel, hereby alleges the following:

1. This is a civil action for copyright infringement of federally registered copyrights in violation of the Copyright Act of 1976, 17 U.S.C. §§ 101 et seq. (the "Copyright Act"). Plaintiff seeks injunctive relief, statutory damages, attorney fees and costs, and such other relief as the Court deems proper.
2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
3. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a) as the defendants are believed to reside in this district.

PLAINTIFF

4. Plaintiff UN4 is a Nevada corporation with principal offices in Carson City, Nevada, California and a subsidiary of Millennium Funding, Inc., production companies and distributors of a notable catalog of major motion pictures.

5. UN4 is the registered holder of copyrights related to *Boyka: Undisputed IV*, a major motion picture theatrically released on April 18, 2017.

6. The screenplay for *Boyka: Undisputed IV* is protected by the Copyright Act in registration Pau 3-798-816. Exhibit A.

7. An application for copyright on the film as a whole was submitted to the Copyright Office on March 29, 2017.

8. The motion picture contains wholly original material that is copyrightable subject matter under the laws of the United States.

9. The motion picture will not be lawfully available on various home video formats until August 1, 2017.

10. Defendant had notice of plaintiff's rights through general publication and advertising and more specifically as identified in the content of the motion picture, advertising associated with the motion picture and copies, each of which bore a proper copyright notice.

11. UN4 seeks relief because its motion picture is currently available for lawful rental or purchase, yet is one of the most trafficked films in the BitTorrent network and is being illegally downloaded and distributed countless times worldwide with many confirmed instances of infringing activity traced to the Eastern District of Pennsylvania.

DEFENDANTS

12. The defendants are unknown persons, identified at this time by the IP addresses respectively assigned to each of them. Exhibit B

13. Using the BitTorrent peer-to-peer file sharing protocol, each defendant unlawfully transmitted some or all of the exact same illegal copy of *Boyka: Undisputed IV* to each other or common third parties.

14. Furthermore, each defendant uses Comcast for their Internet Service Provider (ISP); Comcast, on information and belief, sets their subscriber's equipment to be password protected by default.

15. Comcast provides notices and information to its customers about the importance of security, informing them that they are responsible for the activity associated with their account and cautioning subscribers against allowing third party or non-authorized access.

16. The records maintained by Comcast should be able to identify either the defendant, or the subscriber who contracted with Comcast for service who in turn is likely to have knowledge that will lead to the identity of the defendant.

17. Plaintiff intends to seek discovery, including issuing a subpoena for records from Comcast to ascertain the true identities of the defendants.

BITTORENT: THE TECHNOLOGY OF PIRACY

18. The heart of the matter before the Court is a 21st Century spin on an ages-old quest — how to get something for nothing.

19. BitTorrent is what is known as a peer-to-peer file sharing protocol; it allows a theoretically limitless number of users to share very large files across the Internet at a far higher speed than earlier file sharing methods.

20. BitTorrent is not, as some believe, software, but it requires software to implement; rather BitTorrent is a fire sharing protocol.

21. A protocol is a set of coded instructions that directs how software known as a BitTorrent client interacts with other users.

22. There are many different BitTorrent clients, each known by a different brand name — µTorrent, qBittorrent, and Transmission are but three — and users may interact with anyone else on the network, even if using different BitTorrent clients.

23. No matter which BitTorrent client a person uses, using BitTorrent requires a number of volitional steps, the first of which is to install a BitTorrent client — plaintiff is unaware of any computer manufacturer shipping new computers with any BitTorrent client already installed.

24. Once installed, each BitTorrent user has access to hundreds of thousands of files, including major motion pictures, popular music, computer software, e-books, and entire seasons of hit television shows.

HOW IT WORKS

25. A user who wishes to share a new file via BitTorrent will find that it is very simple; every BitTorrent client has a function for creating new shared files, called Torrents.

26. The user identifies the file they wish to share, and the BitTorrent client takes that file and "breaks it up," into approximately 1000-2500 pieces; this means a very large file, like a high-definition motion picture, consists of relatively small puzzle pieces.

27. The BitTorrent client then assigns the new Torrent a unique hexadecimal string of characters called a Hash to the file; the Hash both identifies the file being

shared and the order in which the discrete pieces must be reassembled to view the file once complete.

28. The initial user who first makes the file available for sharing is known as the Initial Seeder.

29. When a user (U1) first attempts to download the file, he or she searches through publicly available Torrents, either directly through their BitTorrent client, or through websites such as PirateBay.

30. When U1 finds the content he or she wishes to download, U1's BitTorrent client contacts the Seeder's BitTorrent client, and the Seeder begins to send U1 the file in 10KB pieces.

31. When a second user (U2) searching for the same file begins to download, U2 will receive pieces of the file from the Seeder; however, U2 will also receive what pieces U1 already has — in other words, U2 is now getting pieces from two users on the network.

32. A third user (U3) begins to download, and will receive pieces from the Seeder, and also U1 and U2.

33. The number of users continues to grow exponentially, as each new user collects pieces from all the users who already have pieces of the file, and in turn shares the pieces they have with subsequent users; the entirety of users sharing a particular file is known as a Swarm.

34. After a user has the entire file, they continue to participate in the Swarm, sharing the file in manageably sized pieces as long as their computer is connected to the Internet.

35. Participation in the Swarm is typically required — most BitTorrent clients do not permit users to download without uploading; as soon as a user has even a single piece, that piece will be shared with subsequent users.

36. However, custom built BitTorrent clients exist for purposes of investigation and detection of alleged infringements; plaintiff employs a consultant who uses one such proprietary BitTorrent client that "mimics a user willing to act as a source of data, but no actual transfer takes place...." See Technical Report, attached as an Exhibit C hereto.

37. In other words, plaintiff's proprietary BitTorrent client only seems to act as an ordinary BitTorrent client — we are able to download pieces for investigatory purposes, but we do not further perpetuate the illegal file sharing by the Swarm.

38. That being said, the Swarm is what has made BitTorrent incredibly popular; since no single user is burdened with uploading an entire file to a single user, download speeds are much faster than earlier technologies where a single user shared to a single user.

39. Even despite the increased speed permitted by BitTorrent, downloading a very large file such as a feature length movie could take hours, or even days; it all depends on the number of users sharing the file, and whether their computers are connected.

THE INFRINGEMENTS AT ISSUE

40. Plaintiff UN4 employs a consultant for the purpose of stopping internet piracy.

41. As part of the investigatory process, the consultant uses its proprietary download-only BitTorrent client to track BitTorrent traffic of the Plaintiff's works.

42. The consultant notes and records the IP addresses of all individuals from which infringing material is received.

43. During the period beginning on or about April 9, 2017, and continuing through , May 14, 2017, plaintiff's consultant did receive one or more pieces of a Torrent bearing the descriptive title *Boyka.Undisputed.2016.720p.WEBRip.AAC.[2CH].H.265.[HEVC]-GunGravE.mkv*, with assigned Hash value *4022CCDB1F3FEE706B8D349FA93842E717784701* from each defendant's IP address.

44. On the date in question, the film *Boyka: Undisputed IV* was not yet available for viewing, either theatrically or in home video formats.

45. The illicit sharing of the film, therefore, directly interfered with Plaintiff's exclusive right to market, distribute, and profit from the display of this motion picture.

46. In other words, each defendant is a pirate with no regard for the value of intellectual property.

47. Using geolocation technology, the consultant identified the city, county, and state of each infringer, as well as their ISP; based on that geolocation technology, plaintiff believes to a very high certainty that the IP addresses can be traced to physical locations within the Eastern District of Pennsylvania.

DIRECT COPYRIGHT INFRINGEMENT

48. Plaintiff herein reiterates paragraphs 1 through 47, and incorporates them by reference as if more fully set forth at length.

49. Each defendant did, and without the permission or consent of plaintiff, copied and distributed plaintiff's motion picture through a public BitTorrent network by transmitting the film in the BitTorrent file identified as Hash value *4022CCDB1F3FEE706B8D349FA93842E717784701*.

50. Defendants' actions infringed plaintiff's exclusive rights under the Copyright Act.

51. The conduct of the defendants has been willful, intentional, in disregard of and indifferent to plaintiff's rights with the intent to cause plaintiff harm.

REQUESTED RELIEF

52. As a direct and proximate result of the defendant's conduct, plaintiff's exclusive rights under 17 U.S.C. § 106 have been violated.

53. Plaintiff is entitled to an award of statutory damages pursuant to 17 U.S.C. § 504.

54. Plaintiff is entitled to an award of its costs, expenses and reasonable attorney fees pursuant to 17 U.S.C. § 505.

55. The conduct of the defendants is causing and, unless enjoined and restrained by this Court, will continue to cause plaintiff great and irreparable injury.

56. Pursuant to 17 U.S.C. §§ 502 and 503, plaintiff is entitled to injunctive relief prohibiting the defendant from further contributing to the infringement of plaintiff's copyrights, the economy of piracy, and ordering that the defendant destroy all copies of the motion picture made in violation of plaintiff's rights.

WHEREFORE, plaintiff prays for judgment against each defendant as follows:

A. For entry of permanent injunction enjoining each defendant from direct, indirect or contributory infringement of plaintiff's rights, including without limitation by using the internet to reproduce or copy plaintiff's motion picture, to distribute plaintiff's motion picture, or to make plaintiff's motion picture available for distribution to the public, except pursuant to a lawful license or with the express authority of plaintiff; further directing defendant to destroy all unauthorized copies of plaintiff's motion picture;

B. For entry of permanent injunction enjoining each defendant from supporting the BitTorrent economy of piracy by enjoining the defendant from direct, indirect or contributory infringing file sharing in violation of U.S. copyright law;

C. For and award of statutory damages pursuant to 17 U.S.C. § 504;

D. For plaintiff's reasonable costs and attorney fees pursuant to 17 U.S.C. § 505; and

E. For such other and further relief as the Court deems proper.

DATED June 1, 2017

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, plaintiff demands a trial by jury.